



AMENDED

ADVISORY BOARD MINUTES

October 13, 2010
 City Hall – 1:30 P.M.
 8th Floor Conference Room
 2 Civic Center Plaza, El Paso, Texas

Members Present: 7

Charlie Wakeem, Richard Thomas, Bill Addington, James H. Tolbert, Kevin T. von Finger, Robert Ardovino, Lois Anne Balin

Members Absent: 2

Luis Ruiz, Terry Bilderback

Member Vacancies: 0

Ex-Officio Members Present: Gonzalo Cedillos

Planning and Economic Development Staff Present:

Mathew McElroy, Deputy Director; Philip Etiwe, Development Review Manager; David Coronado, Lead Planner; Kim Forsyth, Lead Planner; Eddie Garcia, Lead Planner; Carlos Gallinar, Comprehensive Plan Manager; Todd Taylor, Planner; Michelle Padilla, Planner; Andrew Salloum, Planner; Donna Martinez, Senior Secretary

Others Present:

Lupe Cuellar, Assistant City Attorney; Legal Department; Kristen Choi, Assistant City Attorney, Legal Department; Sam Rodriguez, Engineering Division Manager; Julie Baldwin-Muñoz, Construction Program Administrator; Martha Macias, Accessibility Specialist; Shamori R. Whitt, Open Space, Trails & Parks Coordinator; Rudy Valdez, EPWU-PSB; Richard Teschner, Castner Conservation Conveyance Committee; Conrad Conde, Conde, Inc.; Frederick Francis, applicant; Trish Tanner, Jobe; Heather McMurray

1. Meeting Called to Order

Chair Wakeem called the meeting to order at 1:30 P.M.

2. Call to the public (for items not on the agenda)

None

3. Discussion and Action:

- a. Approval of Minutes: September 30, 2010

Chair Wakeem asked Board Members if there were any additions/corrections/revisions.

Chair Wakeem requested the following revisions:

1. Page 6 of 7, revise 2nd Motion language as follows:
... make all of the 774 acres *in the Northwest Master Plan open space.*
2. Page 7 of 7, revise Future OSAB Agendas, item 3. as follows:
Chair Wakeem responded Mr. Martin Noriega, City of El Paso, Flood Plain Administrator, ~~has been~~ scheduled *Sean Snyder of TWDB* to speak at the October 27th OSAB meeting.
3. Page 7 of 7, revise Suggestions for Staff, item 2. as follows:
Chair Wakeem wondered *why Board Members have not received a draft copy of the Dover-Kohl Comp Plan, but the Parks Advisory Board did.*

MOTION:

Motion made by Mr. von Finger, seconded by Mr. Thomas and UNANIMOUSLY CARRIED TO APPROVE THE MINUTES FOR SEPTEMBER 16, 2010.

ABSTAIN: Ms. Balin and Mr. Thomas

b. Changes to the Agenda

There were no changes.

c. Revisions to the Open Space Advisory Board Bylaws.

Contact: Lupe Cuellar, Assistant City Attorney, (915) 541-4550,
cityattorney@elpasotexas.gov

IN SUMMARY

Ms. Cuellar asked the Board to vote on each request separately. She will correct the bylaws to reflect the changes requested by the Board then bring that back to the Board for review. Additionally, she will change the ordinance language as requested then prior to presenting the ordinance to City Council, Ms. Cuellar will bring that back to the Board for review.

1st MOTION -ARTICLE II – Officers, 2.

Motion made by Mr. Tolbert, seconded by Mr. von Finger AND UNANIMOUSLY CARRIED TO DELETE THE SENTENCE "HOWEVER, NO MEMBER SHALL BE ELECTED TO THE SAME OFFICE FOR MORE THAN TWO CONSECUTIVE TERMS."

2nd MOTION – ARTICLE VII – Participation by Employee and Public, 4.

Motion made by Mr. Tolbert, seconded by Mr. von Finger AND UNANIMOUSLY CARRIED TO REVISE THE LANGUAGE FROM " ... BE GRANTED FIVE (5) MINUTES ..." TO "... BE GRANTED THREE (3) MINUTES ..."

3rd MOTION – ARTICLE IX – Staff

Motion made by Mr. von Finger, seconded by Ms. Balin AND UNANIMOUSLY CARRIED TO TEMPORARILY DELETE ARTICLE IX – Staff UNTIL THERE IS AN ORDINANCE CHANGE.

4th MOTION

Motion made by Mr. von Finger, seconded by Ms. Balin AND UNANIMOUSLY CARRIED TO DIRECT STAFF TO CHANGE THE ENABLING ORDINANCE LANGUAGE TO COUNT THE EX-OFFICIO MEMBER FOR PURPOSES OF ESTABLISHING A QUORUM.

5th MOTION

Motion made by Mr. Thomas, seconded by Mr. von Finger AND UNANIMOUSLY CARRIED TO DIRECT STAFF TO CHANGE THE ENABLING ORDINANCE LANGUAGE TO REINSERT ARTICLE IX – Staff WITH THE CITY MANAGER OR DESIGNEE APPOINTING THE EXECUTIVE SECRETARY.

6th MOTION

Motion made by Mr. Tolbert, seconded by Mr. von Finger AND UNANIMOUSLY CARRIED TO DIRECT STAFF TO CHANGE THE ENABLING ORDINANCE LANGUAGE TO ALLOW NON-BOARD MEMBERS TO SERVE ON SUBCOMMITTEES AND TO VOTE ON THE SUBCOMMITTEES.

7th AND FINAL MOTION:

Motion made by Mr. Thomas, seconded by Ms. Balin AND UNANIMOUSLY CARRIED TO APPROVE THE BYLAWS AS AMENDED.

- d. Review and comment on current zoning applications, as indicated below:

DETAILED SITE DEVELOPMENT PLAN REVIEW

(1)	ZON10-00079	Lot 1, Block 1, Sierra Crest, City of El Paso, El Paso County, Texas
	LOCATION:	1 Silent Crest Drive
	REQUEST:	Increase building height from 35' to 45'
	ZONING:	PR-1/sc (Planned Residential/special contract)
	PROPOSED USE:	Single-family Residential
	PROPERTY OWNERS:	Frederick and Ginger Francis
	REPRESENTATIVE:	Conde, Inc.
	DISTRICT:	1
	STAFF CONTACT:	Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

Ms. Kim Forsyth gave a PowerPoint presentation (presentation on file) and noted the property was located within the Mountain Development Area. The request has met all Mountain Development Area zoning requirements.

Mr. Conrad Conde, Conde, Inc., representing the applicant, responded to questions and/or comments from Board Members.

1ST MOTION:

Motion made by Mr. Addington THAT THE OPEN SPACE ADVISORY BOARD DENY THE REQUEST TO INCREASE THE BUILDING HEIGHT FROM 35' TO 45'.

Motion died due to lack of a second.

2ND MOTION:

Motion made by Mr. Thomas, seconded by Mr. Tolbert TO APPROVE.

Mr. McElroy stated Staff will place a discussion item on the next OSAB agenda pertaining to the specific zoning code; Board Members can then discuss amending that part of the code.

2nd MOTION RESTATED:

Motion made by Mr. Thomas, seconded by Mr. von Finger AND CARRIED TO RECOMMEND APPROVING THE REQUEST.

Chair Wakeem asked if Board Members had any further discussion. There being none, the vote was taken.

NAY *Mr. Addington*

ABSTAIN: *Mr. Ardovino*

(2) ZON10-00066:	Portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas
LOCATION:	South of Northern Pass Drive and North of Paseo Del Norte Drive
REQUEST:	Release two conditions placed by Ordinance 15672 dated January 23, 2004
ZONING:	Parcel 5: C-1(Commercial); Parcel 6: C-3/c (Commercial/condition); and Parcel 7: R-3A/c (Residential/condition)
PROPOSED USE:	Apartments
PROPERTY OWNER:	Hunt Communities Holdings, LLC
REPRESENTATIVE:	Kimley-Horn and Associates, Inc.
DISTRICT:	1
STAFF CONTACT:	Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

Ms. Forsyth gave a PowerPoint presentation (presentation on file) and stated the request must meet all subdivision and zoning code requirements.

MOTION:

Motion made by Mr. von Finger, seconded by Mr. Tolbert AND CARRIED TO APPROVE.

Chair Wakeem asked if Board Members had any further discussion. There being none, the vote was taken.

NAY: *Mr. Addington*

4. **Discussion and Information:** Presentation on how to read and interpret plats, and overview of the Mountain Development Area and Planned Mountain Development District standards by Subdivision section staff, Planning and Economic Development.
Contact: Eddie Garcia, (915) 541-4638, GarciaEZ2@elpasotexas.gov
Postponed from 09.30.10

Prior to the discussion, Mr. Eddie Garcia distributed to the Board copies of Section 20.10.370 Mountain development and Chapter 19.24 Mountain Development Area (MDA) Standards. Mr. Garcia gave a PowerPoint presentation (presentation on file) on how to read and interpret plats, an overview of the Mountain Development Area and Planned Mountain Development Standards.

Requests for Additional Information - Plats

Ms. Balin asked if Staff could include digital or .pdf GIS files or information that shows:

1. the relation of the property and the development to the surrounding properties;
2. topography; arroyos, etc.; and
3. major streets

If possible, Chair Wakeem asked if Staff could include the Land Study.

Mr. Addington wondered if Staff could superimpose the plat in an aerial photo so that Board Members can see how the land, and surrounding land, is prior to development.

Following the Board approving changes to the Grading Ordinance and NOS, Chair Wakeem, with the Board's permission, will propose creating a subcommittee to look into changing the subdivision and zoning codes.

No action was taken.

5. **Discussion and Action:** Regarding the Grading Ordinance Subcommittee progress and outcome. Contact: Sam Rodriguez, Rodriguezs3@elpasotexas.gov

Prior to the discussion, Staff distributed copies of the PowerPoint presentation and Natural Drainage Map.

Mr. Sam Rodriguez, Engineering Division Manager, Engineering and Construction Management, gave a PowerPoint presentation regarding proposed changes to the Grading Ordinance (presentation on file). Mr. Rodriguez read the definition of "excessive erosion", as recommended by the Subcommittee, into the record.

Ms. Julie Baldwin-Muñoz, Construction Program Manager, Engineering and Construction Management, added comments.

MOTION:

Motion made by Mr. von Finger, seconded by Mr. Ardovino and UNANIMOUSLY CARRIED TO TAKE A FIVE MINUTE RECESS AT 2:50 P.M.

Chair Wakeem reconvened the meeting at 2:55 P.M.

Mr. Rodriguez continued the PowerPoint presentation.

Ms. Baldwin-Muñoz read into the record revised language, proposed by the Subcommittee, regarding SECTION 18.44.200 Engineering Controls.

Chair Wakeem and Board Members commended Mr. Rodriguez and Ms. Baldwin-Muñoz on doing a great job.

Suggestions from Board Members:

1. Mr. Ardovino requested the term “natural” be more specific, e.g., *match/reference the immediate area*.
2. Mr. von Finger recommended changing all “should” to “shall”.
3. Mr. von Finger asked if native vegetation would be required in re-vegetation.
Ms. Baldwin-Muñoz read the *definition of re-vegetation into the record*.
4. Mr. von Finger referred to SECTION 18.44.100 and asked who, on City Staff, is capable of evaluating the ecological effects or would that be under the purview of the OSAB? And if that individual has the expertise? Mr. von Finger strongly recommended the City hire a contractor or someone part-time to assist Staff.
Mr. Rodriguez responded Land Management Staff will review and training will be provided, if necessary.
5. Mr. von Finger commented on spoil pushover from grading onto the hillsides and wondered if there was any control over that, besides the list of drainage paths. He suggested Staff define fill slopes and add extra clarification.
6. Regarding channel fencing, Mr. von Finger was unclear what “*fencing drainages*” meant.
Mr. Rodriguez clarified wherever the property line will be for that subdivision.
7. Mr. von Finger asked Staff how concrete lined channels could be made to look natural.
Mr. Rodriguez responded the specific requirement of hiring a landscape architect will hopefully bring another dimension to the design.
8. Regarding the construction envelope, Ms. Balin asked if it were possible to have something specific about the size of the building envelope compared to the size of the development. Under Standard Engineering Practices, Ms. Balin requested clarification on the specifics on the minimal amount possible.
Mr. Ardovino recommended a specific percentage number and commented on envelope development in Tuscon.
Ms. Cuellar responded the Board can address that in Grading and Zoning.
Mr. Rodriguez read into the record language from Natural Terrain, page 31.
9. Regarding the *Foothills Area*, Ms. Balin felt the Foothills Area should be included in the Natural Drainage Path map and in the section on Exemptions.
Mr. Rodriguez explained how Staff created the Natural Drainage Path map.

10. Regarding native plants, Ms. Balin mentioned, there can be native plants and adaptive plants that are also ~~evasive~~ **invasive**. She did not see a list of native (Texas) or non-native ~~evasive~~ **invasive** vegetation, she would be happy to provide a list of those species that are ~~evasive~~ **invasive** in this area.
11. Ms. Balin asked who would be monitoring whether or not the developer is doing all that is required and doing it correctly.

Mr. Rodriguez responded Land Development Section Staff of Engineering & Construction Management will be monitoring that.
12. Mr. Thomas asked Staff to explain the timeline, legislatively, regarding the Grading Ordinance.

Mr. Rodriguez responded Staff is hoping to present to the Ordinance for Introduction to City Council the beginning of November.
13. Regarding FEMA 41A, Mr. Thomas asked if Enchanted Hills was grandfathered and that FEMA 41A would not apply.

Ms. Cuellar agreed and added unless the project changes.
14. Regarding Section 20A, Chair Wakeem stated he had made two recommendations regarding *Park Ponding*; yet those recommendations were not included:
 - a. Recommendation that the Parks Director review that; and
 - b. Recommendation regarding the 20:1 slope for ADA accessibility; however, Chair Wakeem noted the language states *open to pedestrian access to include accessibility requirements*.

Chair Wakeem thought the Parks Director and City Engineer should approve park ponding.

Mr. Rodriguez responded Staff will meet with Mr. Shubert to address the Parks Director review and noted Section 20C addresses the Texas Accessibility Requirements.
15. Mr. Ardovino referred to SECTION 18.44.060 Exceptions from Permits regarding the 20' road access; he requested the language be revised to read 12' road.

There was no objection from the Board.
16. Mr. Ardovino recommended sticking to the Staff recommended 120 days.

Chair Wakeem clarified the Board had recommended 120 days; however, City Council decides whether or not it will be 120 or 180 days.
17. Mr. von Finger recommended the City acquire ecological expertise, through Staff or contract, to facilitate the ordinance.

There was no objection from the Board.
18. Regarding public outreach, Mr. Addington recommended Mr. Rodriguez email the proposed ordinance language to leaders of the Borderland Bike Association, Franklin Mountain Wilderness Coalition and the Sierra Club to get their input.

Ms. Shamori Witt could provide email addresses for those entities to Mr. Rodriguez.
19. Regarding cement/concrete colored channels, Mr. Addington asked if there was a way to legally discourage and prohibit, if possible, development on the floodplain. He recommended Legal get another opinion; look into possibilities of what other cities, in Texas and out of States, are doing.

Ms. Cuellar gave legal guidance.
20. Regarding native species, Mr. Addington recommended the language read *native species to West Texas*.

21. Regarding Channel Fencing, page 30, Mr. Cedillos asked if Staff really wanted to put fencing around channels; additionally, was the language intended, for example:
- When someone is going to disturb and create a channel; and
 - Protection when water velocities are high

He asked Staff to look into other circumstances when fencing would not be required.

Chair Wakeem explained Staff will present the recommended revisions to the Board at the next meeting.

Ms. Baldwin-Muñoz explained how Staff incorporated the suggested/recommended language into the ordinance.

Public Comment

Ms. McMurray asked:

- If City ordinances apply to State/Federal land; and
- Why quarries were exempt from the Grading Ordinance.

Ms. Cuellar, Mr. Rodriguez and Chair Wakeem responded.

At this time, Chair Wakeem excused Ms. Cuellar who had to leave the meeting. Ms. Choi, Assistant City Attorney, replaced Ms. Cuellar.

MOTION:

Motion made by Mr. Thomas, seconded by Mr. Addington AND UNANIMOUSLY CARRIED TO POSTPONE THE FINAL DECISION ON THE GRADING ORDINANCE FOR TWO WEEKS.

Chair Wakeem asked if Board Members had any further discussion. There being none, the vote was taken.

6. **Discussion and Action** on how to proceed with recommending changes to the city code. Contact: David A. Coronado, (915) 541-4632, CoronadoDA@elpasotexas.gov

Staff is proposing to report changes/issues/suggestions that come up during the meetings and assign those changes/issues/suggestions to the appropriate Title of the Code. Subsequently, the Committee will meet either on a quarterly or bi-annually to review those changes/issues/suggestions; recommendations would be forwarded to either Staff, City Plan Commission or City Council.

Board Members suggested the proposed Committee meet on an as needed basis.

Chair Wakeem would like to complete the Grading Ordinance and NOS first; then he will appoint a Committee to address Code changes.

No action was taken.

7. **Discussion and Action:** Recommend to City Council the resolution submitted by the Castner Range Conservation Committee. Contact: Dr. Richard Teschner, teschner@utep.edu

Dr. Richard Teschner, Vice-President, Tierra Land Alliance, stated the Castner Conservation Conveyance Committee requests the Open Space Advisory Board recommend the resolution submitted today to City Council. There was a typographical error in the sixth **WHEREAS**; the word "or active" will be deleted prior to presentation to City Council.

Mr. Cedillos commented on two existing PSB projects within the Castner Range area. He will email aerial images and/or maps of the projects to Mr. Coronado for distribution.

MOTION:

Motion made by Mr. von Finger, seconded by Ms. Balin and **UNANIMOUSLY CARRIED TO RECOMMEND THAT THIS RESOLUTION BE RECOMMENDED TO CITY COUNCIL TO RECOMMEND TO THE ARMY.**

Chair Wakeem asked if Board Members had any further discussion. There being none, the vote was taken.

8. Discussion and Action: Items for Future Agendas

October 27, 2010

1. Rick Hernandez, TWDB; and
2. the Grading Ordinance

Chair Wakeem would be out-of-town for the meeting; therefore, Vice-Chair Thomas will chair the meeting.

Mr. Coronado explained the October 27th OSAB meeting will be held in the 2nd Floor Conference Room. All other meetings through 2011 will be held in the 8th Floor Conference Room.

9. Adjournment

MOTION:

Motion made by Mr. von Finger, seconded by Mr. Ardovino and unanimously carried **TO ADJOURN THE MEETING AT 3:54 P.M.**

Chair Wakeem asked if Board Members had any further discussion. There being none, the vote was taken.

Minutes prepared by Donna Martinez